

todd@Cushnerlegal.com / jrufo@cushnerlegal.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

IN RE:

CHAPTER 11

BLACK AND WHITE STRIPES, LLC,

CASE No. 20-12439 (MG)

DEBTOR

-----X

**AFFIDAVIT PURSUANT TO SECTION 329 OF THE UNITED STATES BANKRUPTCY
CODE AND RULE 2016 OF THE FEDERAL RULE OF BANKRUPTCY PROCEDURE**

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

James J. Rufo, Esq. being duly sworn, deposes and says:

1. I am an associate attorney at the Law Office of Todd Cushner & Associates, P.C.
(the “Firm”).

2. The Firm has acted and rendered professional services in this Chapter 11 case to Black and White Stripes, LLC, the Debtor and/or Debtor-in-Possession (the “Debtor” and/or “Debtor-in-Possession”).

3. No agreement exists between the Firm and any other person for a division of compensation to be received for services in connection with the instant Chapter 11 case, nor shall the Firm share or agree to share compensation paid or allowed from the Estate for such services with any other person, other than as permitted by section 504 of the code.

4. Neither I, nor the Firm or any attorney at the Firm has any connection with the debtor, its creditors or any other party in interest herein or their respective attorney except as described below. Furthermore, neither I, nor the Firm or any attorney at the Firm is a pre-petition creditor of the Debtor.

5. Based on all of the foregoing, I respectfully submit that the Firm does not hold nor represent any interest adverse to the debtor herein or its estate, in the matters upon which they are to be engaged.

6. All services for which compensation is sought herein were rendered to the Debtor solely in connection with the Debtor's Chapter 11 case and not on behalf of any individual creditors and/or other persons.

7. No agreement or understanding prohibited by Section 155 of Title 18 of the United States Code or Section 504 of Title 11 of the United States Code has been or will be made by the Firm.

8. The professional services that my law firm will render include the following:

- a. Advising the Debtor concerning the conduct of the administration of this bankruptcy case;
- b. Preparing all necessary applications and motions as required under the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules;
- c. Preparing a disclosure statement and plan of reorganization; and
- d. Performing all other legal services that are necessary to the administration of the case.

9. The firm is a "disinterested person" as the term is defined in Bankruptcy Code Section 101(14) in that (a) the Firm is not a creditor, equity security holder or insider of the Debtor; (b) the Firm neither is nor ever has been an investment banker for any outstanding security of the Debtor; (c) the Firm neither is nor ever has been prior to the date of the filing of the Debtor's petition an investment banker for a security of the Debtor, or an attorney for such investment banker in connection with the offer, sale, issuance of a security of the Debtor; (d) the Firm neither is nor ever has been prior to the date of the filing of the Debtor's petition a director,

officer or employee of the Debtor or an investment banker specified in parts (b) or (c) of this paragraph; and (e) the Firm neither holds nor ever has ever held an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with or interest in the Debtor or an investment banker specified in parts (b) or (c) of this paragraph, or for any other reason.

10. A review of the Debtor's financial documents has been conducted, this included a comprehensive credit report search to identify a list of the debtors known creditors or pending litigation for potential conflicts. No known conflicts have been identified.

11. A search of the Firm's computer server containing all existing and prior matters and contacts has been conducted in which we compared a list of the debtors known creditors, members, directors, officers and financial institutions. No parties were identified as former or current clients of the Firm, or are in any way related, such that the Firm could not be opposed to them.

12. In so far as I have been able to ascertain, the Firm is a disinterested part in the Section 101(14) of the Bankruptcy Code, holds no interest nor represents any adverse interest to and has no connection to the Debtor, the Debtor's estate, its creditors or any other party or interest or their respective attorneys and accountants with respect to matters for which the Firm is to be engaged, other than as specifically set forth above.

13. The Firm is not aware of any past or present relationship that would disqualify the firm representing this debtor.

14. The Debtor desires to retain Cushner & Associates, P.C. under a general retainer. At present time, Cushner & Associates, P.C. has received \$10,217.00 in connection with the commencement of this Chapter 11 bankruptcy with \$8,500.00 being applied to attorneys' fees and \$1,717.00 being disbursed for the chapter 11 filing fee.

15. The Firm reserves the right to petition the Court in the future for fees.

16. The hourly rates to be charged by the Firm should the firm decides to petition the Court for the allowance of fees in the future are as follows:

- a. Todd S. Cushner, Esq. Owner/Senior Attorney: \$500.00 per hour
- b. James J. Rufo, Esq. Associate attorney: \$350.00 per hour
- c. Charles A. Higgs, Esq. Of Counsel: \$350.00 per hour
- d. Paralegals: \$200.00 per hour

17. No previous application for the relief sought herein has been made.

WHEREFORE, the Debtor respectfully requests that an Order be entered authorizing it to retain the Law Offices of Cushner & Associates, P.C. pursuant to a general retainer to represent it in its Chapter 11 case and to perform all of the services set forth in this Application; and for such other and further relief as the Court deems just and proper.

Dated: White Plains, New York
October 19, 2020

Respectfully submitted,

By: /s/ James J. Rufo
James J. Rufo, Esq.
Todd S. Cushner, Esq.
Cushner & Associates, P.C.
Attorneys for Debtor and/or Debtor-in-Possession
399 Knollwood Road Suite 205
White Plains, New York 10603
T: 914.600-5502 / F: 914.600-5544
todd@Cushnerlegal.com / jrufo@cushnerlegal.com